

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the day of , 2003:

Present

Vote

James S. Burgett, Chairman
Thomas G. Shepperd, Jr., Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Donald E. Wiggins

On motion of , which carried , the following ordinance was adopted:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-74-03, WHICH PROPOSES AMENDMENT OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) BY REVISING AND ADDING VARIOUS SECTIONS TO ESTABLISH DEFINITIONS, DISTRICT DESIGNATIONS AND PERFORMANCE STANDARDS APPLICABLE TO VARIOUS TYPES OF SENIOR HOUSING

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-74-03 to allow consideration of specific provisions to accommodate proposals for age-restricted senior housing facilities; and

WHEREAS, the Planning Commission has considered these proposed amendments and has had benefit of the extensive review and recommendations provided by the Senior Housing Study Committee; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on the proposed amendments in accordance with applicable procedures and has recommended approval of the proposed text amendments; and

WHEREAS, the Board of Supervisors has determined that the proposed amendments are appropriate and necessary to provide for the proper classification and development of this unique type of housing; and

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the _____ day of _____, 2003 that it does hereby approve Application No. ZT-74-03 to amend the York County Zoning Ordinance to establish specific provisions for senior housing as set out below:

Amend chapter 24.1 as follows:

Sec. 24.1-104. Definitions.

Senior Housing. Pursuant to the terms of Section 36-96.7 of the Code of Virginia (1950, as amended), senior housing can include: I) that which is provided under any state or federal program that is designed and operated to assist elderly persons, as defined by such program; or (ii) housing intended for, and solely occupied by, at least one person sixty-two (62) years of age or older. The owner or manager of the facility shall publish and adhere to policies and procedures which implement the occupancy criteria. Senior housing arrangements may be further distinguished as one or more of the following categories

- Independent Living Facility: A building or series of buildings containing independent dwelling units intended to provide housing for older persons not requiring health or other services offered through a central management structure/source. The facility may include ownership or rental units and must be subject to appropriate covenants, conditions, management policies or other procedures to ensure that the facility provides only housing for older persons, as defined above.
- Congregate Care Facility: A building or series of buildings containing residential living facilities intended as housing for older persons and which offers the residents of such facility the opportunity to receive their meals in a central dining facility, to receive housekeeping services and to participate in activities, health services, and other services offered through a central management structure/service.
- Assisted Living Facility: A building or series of buildings containing residential living facilities for older persons and which provides personal and health care services, 24-hour supervision, and various types of assistance (scheduled and unscheduled) in daily living and meeting the requirements of Section 63.2-1800, et. seq. of the Code of Virginia (1950), as amended.
- Continuing Care Retirement Community (CCRC). A senior housing development that is planned, designed and operated to provide a full range of accommodations for older persons, including independent living, congregate care and assisted living facilities, and which may also include a nursing home (skilled-care facility) component. Residents may move from one level to another level of housing accommodations as their needs change. CCRCs may include ownership and rental options but must be subject to appropriate covenants, conditions, management policies or other procedures to ensure that the facility provides only housing for older persons, as defined above.

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Sec. 24.1-306. Table of land uses.

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 1 - RESIDENTIAL USES												
1. Residential - Conventional	P	P	P	P		S							
a) Single-Family, Detached													
b) Single-Family, Attached				S		P							
• Duplex						P							
• Townhouse						P							
• Multiplex						P							
c) Multi-Family						P							
d) Manufactured Home (Permanent)					P								
2. Residential (Cluster Techniques Open Space Development)													
a) Single-Family, Detached	P	P	P	P									
b) Single-Family, Attached	S	S	S	S									
• Duplex													
3. Apartment Accessory to Single-Family Detached	P	P	P	S									
4. Manufactured Home Park					S								
5. Boarding House		S				S							
6. Tourist Home, Bed and Breakfast		S	S	S		S		P	P				
7. Group Home		S	S	S		P							
8. Senior Housing – Independent Living Facility						<u>S</u>							
(a) detached or attached units w/ individual outside entrances						<u>S</u>							
b) multi-unit structures w/ internal entrances						<u>S</u>	<u>S</u>	<u>S</u>					

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 6 - INSTITUTIONAL USES												
1. Place of Worship including Accessory Parsonage, Parochial School, Accessory Day Care, Accessory Cemetery		P	P	P	P	P	P	P	P				
2. Senior Housing - Congregate Care						<u>S</u>		<u>S</u>	<u>S</u>		<u>S</u>		
3. Senior Housing – Assisted Living						<u>S</u>		<u>S</u>	<u>S</u>		<u>S</u>		
4. Senior Housing – Continuing Care Retirement Community						<u>S</u>		<u>S</u>	<u>S</u>		<u>S</u>		
5. Nursing Home		S	S	S		S		S	<u>S</u> <u>P</u>		S		

6.. Medical Care Facility, including General Care Hospital, Trauma Center								S	P		P		
7. . Emergency Care/First-Aid Centers or Clinic								P	P		P		
8. Secured Medical Facility									S				

Sec. 24.1-326. RMF-Multi-family residential district.

- (a) *Statement of intent.* The RMF district is intended for application in those areas designated for multi-family/general residential development by the comprehensive plan. In accordance with direction provided by the plan, this district is designed to provide opportunities for higher density living arrangements with an orientation toward the rental market but not to the exclusion of single-family attached, owner-occupied housing types. As a high density development, this district can be expected to generate very intensive demands on public services and facilities and should be located accordingly. However, senior housing, which is permitted by special use permit, can be expected to generate lesser demands on most public facilities and services than would otherwise be the case on a per-unit basis for traditional general market multi-family development. Therefore, as set out in section 24.1-411, opportunities are provided for the Board of Supervisors to authorize, on a case-by-case basis, the development of such senior housing projects at a higher density level than that applicable to general market multi-family residential development.

Sec. 24.1-332. LB-Limited business district.

- (a) *Statement of intent.* The LB district is intended to provide opportunities for commercial activities having a relatively low external impact, which can be acceptable in proximity to residential areas. The activities envisioned for this district should be of a type that generally occur only during daylight hours, have relatively low external impacts in terms of noise, light, and activity levels, and can be designed to ensure their compatibility with surrounding land uses. The LB district is intended for application in areas designated for office/professional/research development by the comprehensive plan. Further, the LB district is considered an appropriate transitional district between residential and more intense commercial and industrial districts and, in that regard, the district may be appropriate in areas designated for general commercial and tourist commercial uses which are in a particularly sensitive location adjacent to or between residential uses. Accordingly, as set out in section 24.1-411, opportunities are provided for consideration by special use permit of certain types of senior housing which may be appropriate on certain properties as transitional uses.

24.1-361. PD-Planned Development District

- (c) *Permitted land uses.* The land uses within any planned development shall be substantially in accordance with the land use designation in the comprehensive plan. Where the comprehensive plan suggests that a mixed-use development can be appropriate, no less than one-half (½) of the acreage shall be devoted to the uses in the underlying land use designation. Subject to specific authorization by the board, the following land uses shall be permitted:

- (1) Dwellings: single-family detached, attached, or multi-family including mixtures thereof.
- (2) Senior Housing, as defined in this chapter (i.e., Independent Living, Congregate Care, Assisted Living, or Continuing Care Retirement Communities) and in accordance with the performance standards established in Section 24.1-411.
- (3) Public and semi-public uses such as churches, schools, offices, libraries, fire stations, parks, playgrounds, golf courses, swimming pools, tennis courts, recreational marinas, community centers, and similar types of uses.
- (4) Commercial and retail uses which are designed, located and scaled in proportion to the overall scale of the planned development.
- (5) Office and service sector uses such as offices and office buildings; banks and financial institutions; medical, optical, and dental clinics and laboratories; data processing centers; technical or business schools; printing, publishing, engraving, blueprinting businesses, photocopying, facsimile, and similar services; hotels and motels; and similar uses.
- (6) Limited industrial, wholesale, and warehouse uses permitted as a matter of right in the EO district.
- (7) Uses and structures which are customarily accessory and clearly incidental and subordinate to any of the uses permitted above.

- (d) *General dimensional, density and design requirements.*

- (1) All development within the PD district shall be served by public water and public sewer systems.
- (2) The minimum area of any tract, or combination of contiguous tracts, of land proposed for development as a PD shall be five (5) acres ~~{2ha}~~. Additional adjoining acreage may be added to an approved PD provided that all procedures applicable to the creation of such a district are observed.
- (3) The maximum development density for a PD development shall be generally consistent with the density envisioned by the adopted comprehensive plan for the area in which located. The board may, however, approve density increases as a part of the PD approval and, in the case of Senior Housing developments, may consider density allowances of up to twenty (20) units per acre.
- (4) The following dimensional standards shall be observed unless specifically modified by the board (either upwards or downwards) at the time of district approval:
 - a. Minimum lot area: none
 - b. Minimum lot width:
 1. single-family detached: forty-five feet (45') ~~{13.5m}~~
 2. single-family attached: twenty feet (20') ~~{6m}~~
 3. non-residential: seventy feet (70') ~~{21m}~~
 - c. Minimum yard requirements:

1. The minimum distance between any two principal buildings or structures shall be twenty feet (20'), except in senior housing developments where it shall be thirty (30) feet ~~{6m}~~;
 2. The minimum distance between any principal building and an accessory building, or between any two accessory buildings, shall be ten feet (10') ~~{3m}~~.
 3. The minimum distance between any principal or accessory building and any public or private street right-of-way or common area boundary line shall be thirty feet (30') ~~{9m}~~.
 4. The minimum setback from any external property line shall be twenty feet (20') ~~{6m}~~.
- d. Maximum building height:
1. Residential structures shall not exceed forty feet (40') ~~{12m}~~.
 2. Non-residential structures shall not exceed fifty feet (50') ~~{15m}~~.
- (5) The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent structures or to the existing or prospective development of the neighborhood

* * *

-add new section:

24.1-411. Standards for Senior Housing (Housing for Older Persons)

- (a) All dwelling units shall be served by public water and public sewer.
- (b) The Board of Supervisors shall establish the maximum allowable density for senior housing development projects on a case-by-case basis after consideration of the documentation accompanying the Special Use Permit application, the type of facility and the unit style, the availability of necessary public services and facilities, the compatibility with surrounding land uses (both existing and potential), and such other factors as the Board may deem appropriate. In any event, the maximum allowable density shall not exceed twenty (20) units per acre, calculated using net developable acreage as determined in accordance with section 24.1-203. Senior housing developments may include up to five (5) guest suites for use on a temporary basis by families or guests of the permanent residents. Such suites shall not be used for permanent residential occupancy and, as such, will not count toward the maximum allowable density for the development. If fees are charged for use of such suites, all applicable transient occupancy taxes shall be assessed and collected.
- (c) The development project shall be designed to promote harmonious relationships with surrounding properties through attention to the type, orientation, spacing and setback of buildings, preservation and maintenance of natural vegetation, location of recreation areas, open spaces, parking areas, grading, landscaping, screening and buffering. Compliance with this requirement shall be demonstrated, documented, and evaluated through the submission of conceptual plans and renderings to accompany the Special Use Permit application.

(d) Senior housing structures shall be designed and arranged as follows:

1. The maximum height of multi-unit structures shall be 45 feet, notwithstanding the height limitations of the district in which located, provided, however, that the Board of Supervisors may establish a lower maximum height based on the character of the surrounding area or on emergency service considerations. The maximum height of individual detached dwelling units shall be thirty-five (35) feet..
2. Congregate Care and Assisted Living facilities shall be accommodated in buildings having enclosed or covered corridors leading to all dwelling units and public/common use spaces.
3. Congregate Care and Assisted Living Facilities shall be accommodated in buildings having access through a main entrance which shall be monitored at all times.
4. The development shall incorporate spaces for recreational, community, and educational activities by and for the benefit of its residents. At a minimum, each senior housing development shall include a common meeting/activity room including a serving kitchen, a lounge/library, and other such spaces as appropriate, for example, areas for exercise, laundry, beauty parlor, and chapel. Such facilities shall be primarily intended for the use and enjoyment of the residents of the development and their guests as opposed to the general public (non-residents). The size of the common meeting/activity room shall be proportionate to the number of units in the facility and the applicant shall include information concerning its adequacy with the Special Use Permit application. In no event shall the size of the meeting/activity room be less than 1,000 square feet

(e) The development shall be surrounded by a perimeter buffer area of at least fifty feet (50') in width which shall be landscaped, in accordance with the provisions of article II, division 4 of this chapter, to achieve a landscaping ratio of at least one tree, either existing or newly planted, for each five hundred (500) square feet of buffer area.

(f) Front, side and rear yards shall be provided around each building in the development in a manner that provides a minimum of twenty-five feet (25') of open landscaped space surrounding each building. Walkways may be located within the 25-foot landscaped area. No two buildings within the project shall be located closer to one another than thirty feet (30').

(g) Exterior landscaped areas shall be provided for both active and passive activities. They should be designed to be suitable for seniors and could include walking trails, victory gardens, gazebos, and benches. A minimum of 200 square feet of common active/passive outdoor recreation area per dwelling unit shall be provided.

(h) Fire hydrants shall be installed within the project at locations such that no building or portion thereof within the development shall be further than six hundred feet (600') from a hydrant. As part of the application for Special Use Permit, the applicant shall submit a detailed description of the proposed features of the project and building design, as well as operational procedures, that will ensure and facilitate the safety of the residents in the event of fire or other emergencies. In the case of senior housing structures not otherwise required to be constructed in accordance with the Institutional classification of the Building Code, the Department of Fire and Life Safety and the Building Official

may recommend, and the Board of Supervisors may approve, a use permit condition requiring conformance to one or more aspects of the Institutional classification code pertaining to reduced combustibility of structural components, fire and smoke limiting features, as well as fire detection and suppression systems.

- (i) The following design standards shall apply to private streets and circulation drives within the development:

 - 1. Pavement shall be designed and constructed in accordance with the Virginia Department of Transportation standards for streets having the same traffic volumes as the proposed private streets and drive.
 - 2. All streets, drives, and parking areas shall be constructed with curb and gutter designed in accordance with Virginia Department of Transportation specifications.
 - 3. Street widths shall be based on the anticipated traffic volumes of the street and shall be determined in accordance with the standards contained in the county subdivision ordinance, unless otherwise approved by the Board.
- (j) Stormwater runoff from streets and parking areas within the project shall be conveyed by a storm sewer system which shall consist of curbs and gutters at the edges of pavement, curb drop inlets, and storm sewer piping in accordance with Virginia Department of Transportation and County specifications.
- (k) Off street parking shall be provided in accordance with the ratios specified in Section 24.1-608 of this Chapter unless otherwise approved by the Board of Supervisors in conjunction with consideration of the Special Use Permit application based on a site-specific and project-specific analysis provided by the applicant. In the case of a Continuing Care Retirement Community, parking shall be calculated based on the sum of the ratios applicable to the individual components (e.g., independent living units, congregate care units, etc.)
- (l) Outdoor lighting shall be provided at appropriate locations in order to illuminate adequately vehicle parking areas and pedestrian and vehicular circulation routes. Such lighting fixtures and illumination levels shall be designed and arranged to be compatible with both natural and architectural characteristics of the development and the surrounding area and shall comply in all respects with the standards set out in Section 24.1-260(f) of this chapter.
- (m) Where the project will involve offering board, lodging and nursing services under an agreement for the life of the individual or for more than one year, or where such services are offered in consideration of the payment of an entrance fee, all applicable provisions and requirements of Chapter 49, Continuing Care Provider Registration and Disclosure, of the Code of Virginia (1950) shall be observed.
- (n) Applications for Special Permits for senior housing projects shall be accompanied by a community impact statement which shall analyze in specific terms the probable impact of the project on the community over time. The assessment shall include, but not be limited to, reports on population projections, public services and facilities demands and impacts, and environmental, fiscal and economic impacts.

Sec. 24.1-608. Minimum off-street parking and loading requirements.

Off-street parking spaces, loading spaces, and bicycle parking shall be provided in accordance with the minimum standards set forth as follows:

(a) *Residential and related uses.*

USE	OFF-STREET PARKING SPACES	OFF-STREET LOADING SPACES	BICYCLE PARKING
(1) Dwelling: single-family detached & duplex	<Two (2) spaces per unit	<None.	<None.
(2) Dwelling: single-family attached (townhouse & multiplex)	<Two (2) spaces per unit; plus <One (1) space per three (3) units for visitor parking	<None.	<One (1) space per fifteen (15) units.
(3) Dwelling: multi-family	<One and one-half (1.5) spaces per unit; plus <One (1) space per three (3) units for visitor parking.	<None.	<One (1) space per ten (10) units.
(4) Manufactured Home on individual lot	<Two (2) spaces per unit.	<None.	<None.
(5) Manufactured Home Park	<Two (2) spaces per unit; plus <One (1) space per three (3) units for visitor parking.	<None.	<One (1) space per fifteen (15) units.
(6)Rooming, Boarding,	<Two (2) spaces; plus		

Lodging House	<One (1) space per each sleeping room.	<None.	<None.
(7) Group Home	<One (1) space per each two (2) beds: plus <One (1) space per employee on the largest shift	<None	<None
<u>(8) Senior Housing – Independent Living Facility</u>	<u>One (1) space per unit; plus one space per six (6) units for visitor parking</u>	<u>None</u>	<u>None</u>
<u>(9) Senior Housing – Congregate Care Facility, Assisted Living Facility</u>	<u>One (1) space per two (2) units; plus one space per six (6) units for visitors</u>	<u>One (1) space</u>	<u>None</u>

